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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 10/069,355 | 10/31/2002 | Francisco Antonio Magior | 33974R002 | 8090 |

7590 03/26/2004

Smith Gambrell & Russell
Suite 800
1850 M Street NW
Washington, DC 20036

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| EXAMINER |
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JULES, FRANTZ F

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3617

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,355

Applicant(s)

MAGIOR ET AL.

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1-10 are objected to because of the following informalities:

In claim 1, line 1, the word "particularly" should be deleted to improve the clarity of the claim language.

The abstract of the disclosure is non-conforming to current office practice as it is made of several paragraphs. The following guidelines has been established for abstract.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Theis et al (DE 3503883 A1).

Claims 1-10

Theis et al disclose a wheel comprising a disc (1) provided with at least one central region which has a bore for fixing the wheel onto a wheel hub of a vehicle; at least association surface (A) with the wheel hub, and at least one central surface; and at least one central surface (B) substantially opposed to the association surface, the central surface being provided with at least one elevated region (C) having a free end, the length measured between the free end of the elevated region (C) and the association surface (A) defining a first distance (D), the wheel being characterized in that the bore (6) is located in an elevation portion of the disc, a free end (E) of the elevation portion (3, G) defining a second distance (D') as far as the association surface (A), the second distance (D') being substantially longer than the first distance (D).

The wheel comprising a plurality of fixation bores (7) as shown in the drawings.

the central region comprising at least one substantially plane region (F), circumferentially arranged and adjacent to the elevation portion (3', E).

The elevation portion (3', E) comprises a first region (3, G) substantially orthogonal to the central surface, the first region (3) being substantially semicylindrical and concentric to the bore (5, 6) and prolonging from said central surface (B).

The elevation portion (3', 4') comprises a second region (3'') substantially conical and concentric to the first region (3), the second region (3'') projecting substantially

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angular from the first region (3) as far as the free end as best seen on fig. 1 of the drawings which illustrates the second region 3".

the elevation portion (3', E) comprises a third region (4') adjacent to the free end and substantially parallel to the central surface (B) as shown in fig. 2.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shimizu et al, Duning et al, Kier Jr, Weld, and Hunt are cited to show related wheel comprising disc having elevation portion with first and second region projecting angular from the first region.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Examiner
Art Unit 3617

FFJ

March 19, 2004

FRANTZ F. JULES
PATENT EXAMINER
